



POLICY

Category	Approval		
Series 700: Personnel	Effective	Administration	Board
	2/22/10	12/4/09	2/22/10
	Revised		For Review
	6/26/17		2021

CRIMINAL BACKGROUND PROCESS

MTC 745

Except as herein provided, all individuals who are approved for hire by the Mitchell Technical College, July 1, 2000, or later, shall submit to a criminal background investigation by means of fingerprint checks by the South Dakota Division of Criminal Investigation and the Federal Bureau of Investigation. Any person granted employment subject to this policy is employed on a temporary basis conditioned upon no disqualifying record being received from the criminal background investigation. Continued employment with the Mitchell Technical College is contingent upon the background check. The individual's employment may be terminated if the investigation reveals that the individual has been convicted of a crime of violence as defined by SDCL 22-1-2(9), has been convicted of a sex offenses as defined in SDCL 22-24B-1, or has been convicted of trafficking in narcotics. The College has the right to terminate the employment of any person if the investigation discloses a conviction for any criminal offense other than those specified, and to consider the conviction in a hiring decision. There will be no further notice or hearing with a termination under these circumstances.

Individuals who are required to undergo a criminal background check are:

- a) All employees
- b) Paid chaperones who chaperone dances, field trips, and other student events
- c) Other employees, including adjunct faculty, that the College must pay through its payroll account, in keeping with the IRS definition of "employee"
- d) All adults who work with children in College facilities, or on College grounds, or in College vehicles, on a recurring basis whether as paid employees or volunteers for agencies, clubs, etc., not an official part of Mitchell Technical College. Criminal background checks for such individuals shall not be reimbursed by Mitchell Technical College. Such individuals shall have no contact with children in buildings, grounds or vehicles until such time as the criminal background check has been submitted to and affirmatively reviewed by the Office of the President.

Individuals who are not required to undergo a criminal background check are:

- a) Individuals who are employed on a continuous basis for consecutive years by the Mitchell Technical College as of July 1, 2000
- b) Intermittent business and industry training teachers, guest lecturers, and community education teachers
- c) MTC students hired for the Federal Work Study program
- d) School Board members

An individual whose employment in the College terminates after July 1, 2000, and who subsequently seeks to be re-employed shall be required to undergo the criminal background check.

The superintendent of the Mitchell School District 17-2 must report to the Department of Education within 10 days the name of any employee who is terminated or allowed to resign as a result of a criminal conviction. The reporting form will be provided by DE. "Conviction" is defined as meaning a plea or verdict of guilty or a conviction following a plea of *nolo contendere* in this state or any other state. If the superintendent fails to file this report, he/she is subject to sanctions found in SDCL 13-8-48.

Legal Reference: SDCL 13-10-12, 12.1, 13, 14, 15 & 16